

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to air quality and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 20, “Scope of Title—Definitions,” Chapter 21, “Compliance,” and Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.133 and 455B.134.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.133 and 455B.134.

Purpose and Summary

Collectively, Chapters 20 through 22 regulate air pollution. This proposed rule making will require the electronic submittal of all air emissions reporting, air permit applications, and other air quality documents. In brief, electronic submittals will increase government efficiencies and reduce programmatic costs of the Department of Natural Resources (Department). Electronic submittals allow permit applications and emissions inventories to be filed from any location at any time. Electronic submittals also enable Department staff to timely review and process the submittals regardless of the staff’s work location. In tandem, this proposed change removes the delays and costs inherent in mailing and scanning paper documents.

In more detail, under the proposed rule making, minor sources of air emissions will be required to file emissions data into the State and Local Emissions Inventory System (SLEIS). SLEIS is a well-utilized resource already, with approximately 70 percent of minor sources choosing to electronically submit their data in 2020. Major sources have been required to use SLEIS since 2019.

Emissions inventory data collection and analysis are critical to understanding and improving Iowa’s air quality. Having all emissions data in one electronic system makes it easier for the Department to track data, report to the national emissions inventory, and respond to external and internal requests for emissions data. For several years, all paper emissions inventories have been manually entered into SLEIS by Department staff. Staff data entry of paper inventories can be time consuming and costly. A fully electronic submission system will eliminate the need for manual entry, freeing up support staff to work on other tasks.

Similarly, under the proposed rule making, both major and minor sources of air emissions will be required to use the Iowa Environmental Application System for Air (Iowa EASY Air) for all air construction and Title V operating permit applications. Iowa EASY Air is also a popular resource and has been since its release in 2019. Over the past year, approximately 89 percent of Title V new and renewal permits and approximately 80 percent of construction permit applications have been voluntarily submitted through the system.

Iowa EASY Air makes air construction and Title V operating permit application preparation and other submissions easier and more efficient for the regulated community. The Department issues over 2,000 air quality permits every year. Over time, Iowa EASY Air has increased the Department’s permit review and issuance rate and data accuracy, thereby cutting costs for both applicants and the Department. Additionally, data available in Iowa EASY Air supplies the Department’s downstream electronic systems, helping to lessen the data entry burden by industry and the Department.

The Department will continue to offer training, outreach, and help desk assistance to all system users.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 14, 2022. Comments should be directed to:

Christine Paulson
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: Christine.Paulson@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Christine Paulson via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Christine Paulson prior to the hearing to facilitate an orderly hearing.

February 14, 2022
1 to 2 p.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to participate in the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **567—20.2(455B)**, definition of “Electronic format,” as follows:

“*Electronic format*,” “*electronic submittal*,” and “*electronic submittal format*,” for purposes of the rules in 567—Chapters 20 through 35, mean a software, Internet-based, or other electronic means specified by the department for submitting air quality information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in 567—Chapters 20 through 35 may, as specified by the department, include electronic submittal as stated in the applicable administrative rules.

ITEM 2. Amend subrule 21.1(3) as follows:

21.1(3) Emissions inventory. The person responsible for equipment as defined herein shall provide information on fuel use, materials processed, air contaminants emitted (including greenhouse gases as “greenhouse gas” is defined in rule 567—20.2(455B)), estimated rate of emissions, periods of emissions or other air pollution information to the director upon the director’s written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the state and its various parts. The Until December 31, 2022, the information requested shall be submitted on forms or by electronic format specified by the department. On or after January 1, 2023, the information requested shall be submitted in the electronic format specified by the department, if electronic submittal is provided. All information in regard to both actual and allowable emissions shall be public records, and any publication of such data shall be limited to actual and allowable air contaminant emissions.

ITEM 3. Amend subrule 22.1(3), introductory paragraph, as follows:

22.1(3) Construction permits. The owner or operator of a new or modified stationary source shall apply for a construction permit. ~~One~~ Until December 31, 2022, one copy of a construction permit application for a new or modified stationary source shall be presented or mailed to the air quality bureau of the department of natural resources. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. References to “application(s),” “certification(s),” “determination request(s),” “emissions inventory(ies),” “fees,” “form(s),” “notification(s),” “payment(s),” “permit application(s),” and “registration(s)” in rules 567—22.1(455B) through 567—22.10(455B) may, as specified by the department, include electronic submittal. ~~An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.~~

Until December 31, 2022, an owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or rule 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Alternatively, the owner or operator may apply for a permit as required pursuant to rule 567—31.3(455B) or rule 567—33.3(455B) through the electronic submittal format specified by the department.

The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or

operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

On or after January 1, 2023, construction permit applications, including the information referenced above and in rules 567—22.1(455B) through 567—22.10(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

ITEM 4. Amend rule 567—22.105(455B) as follows:

567—22.105(455B) Title V permit applications.

22.105(1) *Duty to apply.* For each source required to obtain a Title V operating permit, the owner or operator or designated representative, where applicable, shall, until December 31, 2022, present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 502 East 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

On or after January 1, 2023, Title V operating permit applications, including the information referenced above and in rules 567—22.100(455B) through 567—22.116(455B), shall be submitted in the electronic format specified by the department, if electronic submittal is provided. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

a. and b. No change.

22.105(2) *Standard application form and required information.* To apply for a Title V permit, applicants shall, until December 31, 2022, complete the standard permit application form available only from the department and supply all information required by the filing instructions found on that form. ~~The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1) “c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:~~ Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

On or after January 1, 2023, the standard application form shall be submitted in the electronic format specified by the department, if electronic submittal is provided.

The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—30.4(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1) “c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule

567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity.

Unless otherwise specified in subrule 22.128(4), nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

a. to j. No change.

22.105(3) to 22.105(5) No change.

ITEM 5. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* One copy of all permit applications shall, until December 31, 2022, be presented or mailed to the air quality bureau of the department of natural resources. ~~Alternatively~~ On or after January 1, 2023, the designated representative ~~may, as specified by the department, submit the application through electronic submittal~~ shall submit the application in the electronic format specified by the department, if electronic submittal is provided.